

REMARKS

I. Introduction

Claims 1 to 12 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Rejection of Claims 1 to 12 Under 35 U.S.C. § 102(b)

Claims 1 to 12 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,416,426 ("Okubo et al."). Applicants respectfully submit that Okubo et al. do not anticipate the present claims for at least the following reasons.

It is, of course, "well settled that the burden of establishing a prima facie case of anticipation resides with the [United States] Patent and Trademark Office." Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986) (citing In re Piasecki, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 1 relates to a method for correcting scanning signals of an incremental position transducer having deviations from ideal signals expected by a downstream evaluation unit. In stark contrast, Okubo et al. purport to relate to a method of measuring a voltage with an electron beam apparatus. Claim 1 recites that the method includes feeding scanning signals to a correction unit in response to a signal request. The Office Action refers to col. 10, lines 13 to 29 of Okubo et al. for allegedly disclosing this feature. However, col. 10, lines 13 to 29 make no mention

whatsoever of feeding scanning signals to a correction unit in response to a signal request, and it is not readily apparent that any portion of col. 10, lines 13 to 29 could be considered to disclose, or even suggest, feeding scanning signals to a correction unit in response to a signal request. Indeed, it is not readily apparent that Okubo et al. disclose, or even suggest, a correction unit.

Claim 1 further recites that the method includes linking scanning signals in a correction unit to correction data generated in accordance with active values of scanning signals. The Office Action refers to Figure 8, and in particular “resolution computation circuit” 25, “counter circuit” 18 and “secondaly [sic] electron signal adding and averaging circuit” 20, as allegedly disclosing this feature. It is not readily apparent how anything illustrated in Figure 8 or any of the enumerated features referred to in the Office Action could be considered to disclose or suggest linking scanning signals in a correction unit to correction data generated in accordance with active values of scanning signals. As regards the “resolution computation circuit” 25, the only mention of the resolution computation circuit 25 appears at col. 4, lines 50 to 51, to wit, “[t]he control computer 14 includes a resolution computation circuit 25.” As regards the “counter circuit” 18, Okubo et al. state that “a counter circuit [is] for providing data for specifying a phase of measurement according to the number of phases of measurement provided by the control computer 14.” Col. 4, lines 33 to 36. As regards the “secondaly [sic] electron signal adding and averaging circuit” 20, Okubo et al. state that “a secondary electron signal adding and averaging circuit [is] for adding up and averaging secondary electron signals provided by a secondary electron detector 13.” Col. 4, lines 38 to 41. None of the foregoing statements constitutes a disclosure, or even a suggestion, of linking scanning signals in a correction unit to correction data generated in accordance with active values of scanning signals.

Claim 1 also recites that the method includes exclusively feeding scanning signals for generating correction data to a correction unit for at least one predefined time segment following each request of new scanning signals to be corrected. The Office Action refers to col. 10, lines 13 to 43 for allegedly disclosing this feature. However, col. 10, lines 13 to 43 make no mention whatsoever of exclusively feeding scanning signals for generating correction data to a correction unit for at least one predefined time segment following each request of new scanning signals to be corrected, and it is not readily apparent that any portion of col. 10, lines

13 to 43 could be considered to disclose, or even suggest, exclusively feeding scanning signals for generating correction data to a correction unit for at least one predefined time segment following each request of new scanning signals to be corrected. Indeed, as indicated above, it is not readily apparent that Okubo et al. disclose, or even suggest, a correction unit.

Claims 11 and 12 include features analogous to features included in claim 1, and the above discussion relating to claim 1 is also applicable to claims 11 and 12.

The present application is directed to a signal processing method for scanning signals of position encoders and to corresponding devices. Since position-related scanning signals may not have an ideal form, they may require correction. Therefore, according to the present application, the signals are fed to a correction unit by each signal request. In the scanning unit, the distorted signal are corrected with certain correction data. To generate appropriate correction data, scanning signals are exclusively fed to the correction unit in a predefined time segment following a request signal. The signals fed to the correction unit in this time segment are only used to generate correction data.

As indicated above, Okubo et al. are completely unrelated to signal processing methods or corresponding devices for incremental position transducers. Rather, Okubo et al. apparently relate to a method of measuring a voltage with an electron beam apparatus. Okubo et al. make no mention whatsoever of an incremental position transducer that generates distorted position-related scanning signals or correction thereof and do not make any mention of the generation of any distorted signals or the correction thereof. The only apparent similarity between Okubo et al. and the present claims is that both Okubo et al. and the present claims include such words as "increment," "scan" and "request." However, this does not constitute anticipation of the present claims. If, after reconsideration of the present rejection, Okubo et al. are still considered to disclose the features recited in the present claims, Applicants respectfully request that the next Office communication specifically identify the exact manner in which Okubo et al. are considered to disclose all such features.

In summary, it is respectfully submitted that the present Office Action has plainly failed to establish a prima facie case of anticipation of any of the presently pending claims based on Okubo et al. Indeed, it is respectfully submitted

Okubo et al. do not anticipate any of the presently pending claims. In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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